

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

553A0374      **HOUSE JUDICIARY COMMITTEE ENGROSSED NO.**  
**SB102 - 3/3/97**

Introduced by: Senators Whiting, Dennert, Ham, and Munson (David) and Representatives Duniphan, Brosz, and Koetzle

1    FOR AN ACT ENTITLED, An Act to provide for interstate joint power agreements for the  
2        exercise of police powers.

3    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4        Section 1. That chapter 1-24 be amended by adding thereto a NEW SECTION to read as  
5    follows:

6        Any two or more public agencies with law enforcement powers may enter into reciprocal  
7    interstate agreements to allow their respective certified law enforcement officers to cross state  
8    lines to provide assistance to the requesting agency.

9        Section 2. That chapter 1-24 be amended by adding thereto a NEW SECTION to read as  
10   follows:

11       Any certified law enforcement officer acting under a reciprocal interstate law enforcement  
12   agreement shall be treated as a law enforcement officer of the requesting agency for liability  
13   purposes while in its jurisdiction and shall have the same authority as any other certified law  
14   enforcement officer of the requesting agency. A certified law enforcement officer is any  
15   employee of the public agency who is certified as a law enforcement officer under its state laws

1 and is responsible for the prevention and detection of crime and the enforcement of criminal or  
2 traffic laws in their respective jurisdictions.

3 Section 3. That chapter 1-24 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 In addition to the other requirements in chapter 1-24, the parties to an interstate law  
6 enforcement agreement shall agree to the following:

7 (1) That all law enforcement officers subject to the agreement shall be trained and  
8 certified as law enforcement officers in accordance with the laws of the state where  
9 such officers are employed, and if so trained and certified shall have the authority to  
10 act as a law enforcement officer within the jurisdiction of the requesting agency while  
11 responding to the request; and

12 (2) Any law enforcement officer responding to a request shall be treated as a law  
13 enforcement officer of the requesting agency for liability purposes while in its  
14 jurisdiction, and the requesting agency shall obtain and maintain liability coverage for  
15 those certified law enforcement officers responding to requests.

16 Section 4. That chapter 1-24 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 All reciprocal interstate law enforcement agreements must be approved by the Governor.

1 **BILL HISTORY**

2 1/21/97 First read in Senate and referred to Judiciary. S.J. 77

3 1/24/97 Scheduled for Committee hearing on this date.

4 1/24/97 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 154

5 1/27/97 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 180

6 1/28/97 First read in House and referred to Judiciary. H.J. 181

7 1/31/97 Scheduled for Committee hearing on this date.

8 2/3/97 Scheduled for Committee hearing on this date.

9 2/3/97 Judiciary Deferred to 41st legislative day, AYES 9, NAYS 4. H.J. 254

10 2/27/97 Judiciary Reconsidered.

11 3/3/97 Scheduled for Committee hearing on this date.

12 3/3/97 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 0.